

REMARKS

Applicants appreciate the telephone conference with the Examiner on January 14, 2005.

Claims 24-28 and 30-34 have been amended. Claim 29 has been cancelled. Claims 35-38 have been added. Claims 24-28 and 30-38 remain pending in the application. Applicants request reexamination and reconsideration of the claims in view of the comments herein.

The examiner rejected claim 28 under 35 U.S.C. 112, first paragraph, based on his position that there is no support in the original disclosure for reciting that the recesses are sized to provide a slip fit around a portion of a device. Applicants traverse this rejection by pointing out that the term “slip-fit” is referred to in the application at page 8, lines 15-18, wherein it is disclosed how magazines may be fitted into recesses.

The examiner rejected claims 24-34 under 35 U.S.C. 112, second paragraph, as being indefinite “particularly as the claims improperly define one unknown (e.g. the size of the recesses) in terms of another unknown (e.g. the size, shape, etc. of a device containing radioactive material ...).” Claim 24 has been amended to claim a combination of a device containing radioactive material along with the container. In this way, the recesses are now defined with respect to the known devices included as a claim element.

The examiner objected to claims 30 and 34 for lacking antecedent basis for the term “said at least one device.” Since claim 24 has been amended to include a device containing radioactive material as an element, that element serves as antecedent basis for the references in

claims 30 and 34, which depend from claim 24. Claims 30 and 34 have also been amended to make clear that the references to “device” refer to the “device containing radioactive material.”

The examiner objected to claim 33 in that the “such that” phrase renders the claim vague and indefinite. Claim 33 has been amended to make the claim clear.

Claims 24-34 were rejected under 35 U.S.C. 102(b) as being anticipated by Reich. Claim 24 has been amended to recite that the second portion of the container comprises a radiation shielding material selected from either lead or steel or a combination thereof. It was the examiner’s position that foam rubber pads may function as a shield for different forms of radiation, and that the “second portion” of claim 24 reads on the foam rubber pads of Reich. However, the foam rubber pads in Reich are clearly not intended to be a shielding material, and by the amendment to claim 24 to recite that the second portion comprises a material such as lead or steel as a shielding material, claim 24 can no longer be considered to read on the foam rubber pads of Reich. Thus, claim 24, as amended, is not anticipated by Reich. Furthermore, since all of the other claims are dependent on claim 24, they should also be allowable.

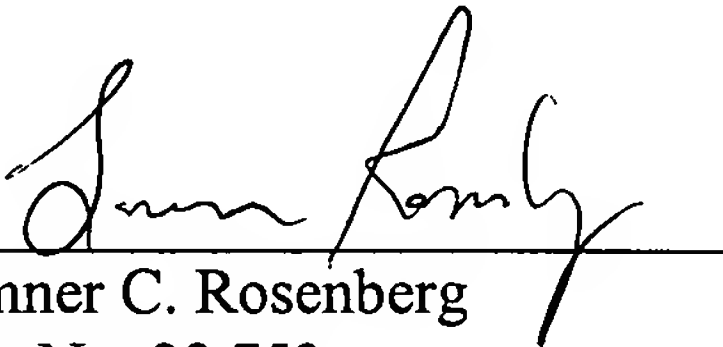
In view of the foregoing amendments and remarks, Applicants submit that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

No fee is believed due; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

ATTORNEY DOCKET NO. 20152.0001U4
Application No. 10/649,529

Respectfully submitted,

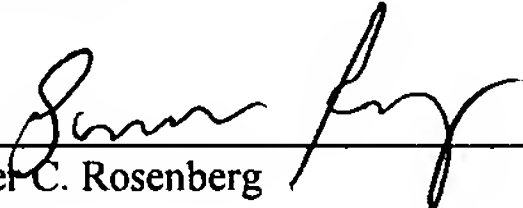
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